

10337. Misbranding of butter. U. S. * * * v. Corbett Ice Cream Co., a Corporation. Plea of guilty. Fine, \$15. (F. & D. No. 15595. I. S. No. 10977-t.)

On February 24, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Corbett Ice Cream Co., a corporation, trading at Cheyenne, Wyo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 20, 1921, from the State of Wyoming into the State of Colorado, of a quantity of butter which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, to wit, contained in cartons, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated.

On March 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10338. Adulteration and misbranding of orangeade sirup. U. S. * * * v. 5 Cases of Orangeade Sirup * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15932. I. S. No. 9331-t. S. No. E-3735.)

On January 21, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of orangeade sirup, at Raleigh, N. C., alleging that the article had been shipped by the D. E. Reilly Co., Charleston, S. C., on or about October 6, 1921, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Reilly's Orangeade Syrup Prepared Only By D. E. Reilly Company Charleston, S. C. * * *"

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, invert sugar sirup, flavored with orange oil and phosphoric acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing on the bottle containing the article, to wit, "Reilly's Orange [Orangeade] Syrup Made by our own special method, from pure cane sugar, and the flavoring of choice Oranges, combined with Fruit Acid, and the addition of harmless color * * *" together with the design of an orange, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that article was an imitation of, and was offered for sale under the distinctive name of, another article.

On or about March 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10339. Adulteration of oranges. U. S. * * * v. 462 Boxes and 396 Boxes * * * of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16058, 16068. I. S. Nos. 1798-t, 1799-t. S. Nos. C-3439, C-3440.)

On February 21 and 24, 1922, respectively, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 858 boxes of oranges, at Omaha, Nebr., alleging that the article had been shipped in part by the California Fruit Growers Exchange from San Bernardino, Calif., and in part by said exchange, per the Bryn Mawr Fruit Growers Assn., from Redlands, Calif., on or about February 6 and 7, 1922, respectively, and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Togo Brand Crestline Association Redlands California"; "W Navels Redlands Oranges Cincinnatus Brand Crown Jewel"; "W Navels Eltoro Brand Crown Jewel Groves, Redlands, California."